

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAMEN S. BACHMAN,	)	CASE NO. 07-136-JCC-JPD
	)	
Petitioner,	)	
	)	
v.	)	
	)	
JEFFREY UTTECHT,	)	ORDER DENYING PETITIONER'S
	)	MOTION FOR EVIDENTIARY
	)	HEARING; GRANTING
Respondent.	)	RESPONDENT'S MOTION FOR
	)	EXTENSION OF TIME
	)	
	)	
	)	

Petitioner, who has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, has recently filed a motion for an evidentiary hearing, to which respondent has filed a response. In addition, respondent has filed a motion for extension of time. Having considered the motions and the balance of the record, the court hereby finds and ORDERS as follows:

(1) Petitioner's motion for an evidentiary hearing (Dkt. #6) is DENIED as premature. Respondent has yet to file his answer; thus, it is unclear whether petitioner's habeas petition may be resolved based purely on the existing record. Once respondent has filed his answer and the state court record, petitioner may refile his motion for evidentiary hearing.

(2) Respondent's motion for extension of time (Dkt. #10) is GRANTED. Respondent supports his motion with evidence that he has had difficulty obtaining the state court record.

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, on the face of the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner may file and serve a response no later than the Monday immediately preceding the Friday designated for consideration of the matter, and respondent may file and serve a reply no later than the designated Friday.

DATED this 22nd day of March, 2007.